UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 March 2004</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-28 are pending.

2.   Claims 1-28 are rejected.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: Figures 1 and 3 do

not contain reference numbers. Corrected drawing sheets in compliance with 37 CFR 1.121(d)

are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended. Each drawing sheet submitted

after the filing date of an application must be labeled in the top margin as either "Replacement

Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the

next Office action. The objection to the drawings will not be held in abeyance.

Specification

4.   The disclosure is objected to because of the following informalities:

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The specification contains two hyperlinks. If these two instances are not intended to be browser executed, applicant is advised to remove the "http://" portion of the hyperlink, or place the hyperlink in quotes.

The disclosure is objected to because it contains a reference to "FIG. 4". There is no Figure 4. It is assumed for the purposes of examination that the applicant intended for the disclosure to reference FIG. 3. Appropriate correction is required.

The disclosure is objected to because it does not contain a detailed description of FIG. 3 describing each of the steps of the method.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 3-9, 14, 16-21, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1, 3-9, 14, and 16-21 the claims recite "within content server
site". There should be an "a", "the", or "said" preceding the term "content server
site" to clearly identify which site applicant is talking about.

As to claims 5-7 and 17-19, it is unclear as to what the applicant means by "enabling
to identify". Examiner is unclear as to what entity is being enabled to perform a function.
Additionally it is unclear as to what function that entity is performing, and how the enabling is
being done according to the identified content location.

As to claim 26, it is unclear what an "application" is. It is unclear whether the application
is a computer program, a data structure or hardware. Therefore it is unclear what statutory
category the invention applies to.

6.   Claims 1-9, 13-14, 16-21, and 27-28 are rejected under 35 U.S.C. 112, second paragraph,
for containing limitations for which there is insufficient antecedent basis for the limitation in the
claim.

The following lists of limitations without antecedent basis are just some examples of the
many 35 U.S.C. 112, second paragraph problems which are present. Appropriate action must be
taken by the applicant to address all of the noted problems, as well as any other U.S.C. 112,
second paragraph claim rejections that are present.

Claims 1 and 14 recites the limitation "the received content". There is
insufficient antecedent basis for this limitation in the claim because nowhere prior in the claim
language does it mention that any content has been received. Additionally claims 2, 10-13, 15,
22-25, and 27-28 are rejected as being dependant upon rejected claims 1 or 14.

Claims 2, 4-9, 16-21 recites the limitation "`the identification of location within content server site`". Claim 1 specifically teaches a mobile device location however this is not the same as "`the identification of location within content server site`". There is insufficient antecedent basis for this limitation in the claim because no where prior in the claim language is "`the identification of location within content server site`" taught.

Claim 2 recites the limitation "`the successive hyperlinks' titles`". Claim 1 specifically teaches a sequence of one or more hyperlinks' titles however it is unclear if "`the successive hyperlinks' titles`" is in reference to the previously mentioned sequence of hyperlinks' titles.

Claim 3 recites the limitation "`the sequence of hyperlinks' titles identifying each service`". There is insufficient antecedent basis for this limitation in the claim because nowhere prior in the claims is there mentioned a sequence of hyperlinks' titles which is specifically identifying a service. It is therefore unclear as to what "`sequence of hyperlinks' titles identifying each service`" is in reference to.

Claim 13, 27 and 28 recites the limitation "`the service identification module functionality`". There is insufficient antecedent basis for this limitation in the claim because nowhere prior in any of the claims is a service identification module mentioned.

Intended use Limitations

It has been held that a recitation with respect to the manner in which a claimed apparatus or method is intended to be employed does not differentiate the claimed apparatus or method

from a prior art apparatus or method satisfying the claimed structural limitations. Ex Parte

Masham, 2 USPQ F.2d 1647 (1987).

7.   Claims 4-12 and 16-25 all use intended use claim language stating that the system is

"used for" or "in order to" with an associated limitation. For the rejections listed later on the

basis of prior art, it is assumed that the claims are recited with positive claim limitations.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

9.   Claim 26 is rejected under 35 USC 101. It is unclear what statutory category an

"application" is directed to. It is therefore rejected as being non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1-3, 5, 7-8, 10, 12, 14-15, 17, 19-20, 22-23, and 25 are rejected under 35

U.S.C. 102(b) as being anticipated by Silva et al. (Silva, hereinafter), US 2002/0054090.

As to claim 1, Silva teaches a method for identifying content service, visited by a mobile device user within a content server or servers, through a cellular network, said method comprising the steps of:

Parsing the received content from the content server for identifying and recording embedded hyperlinks and respective titles (Paragraphs [0028] and [0029] teach a system and method of creating smart bookmarks which parse HTML pages and records browsing actions such that a user can normally navigate his way through the page and the users actions, as defined as "links traversed, forms filled, along with user inputs" are recorded. This is all done within a content server, in particular a web server.);

Analyzing subsequent user requests for identifying titles of chosen hyperlinks of previous received content and recording thereof (Paragraph [0029] teach recording a users actions during browser navigation. These actions are described as "links traversed, forms filled, along with user inputs". It is understood if the link and user actions are being recorded, that in order to record the action some title must be associated with that action. Therefore inherent to storing the link is a title associated with the stored link.);

Identifying mobile device location within content server site according to a sequence of one or more hyperlinks' titles (Paragraphs [0028]-[0029] describe creating a smart bookmark by recording users actions, including recording the browser navigation through recording the links the user traversed. The

bookmark identifies the location within the server to which the user wishes to return to in

association to the sequence of links navigated through.);

    As to claim 2, Silva teaches the method of claim 1 wherein the

identification of location within content server site is

preformed by comparing the successive hyperlinks' titles to

predefined sequences of hyperlinks titles (Silva teaches the user's

navigation actions recorded within a web view server. Inherent to any web server would be that

when a user clicks a link the location of the user is known to the system according to the

structure of the website that is being viewed. This hierarchal structure inherent to any website is

a predefined sequence which relates one part of a website to another which is accessed through

links. Therefore any location that a user is navigating is known according to a predefined

sequence which is the underlying structure of a website.).

    As to claim 3, Silva teaches the method of claim 1 wherein the

sequence of hyperlinks' titles identifying each service is not

pre-defined, rather the said sequence is used for identifying

repeated visits to the same service regardless of varying

underlying URL representations (In paragraphs [0028]-[0029] teaches recording

the navigation history as a smart bookmark such that the user can return to a location even if the

location "does not have a well-defined URL". The user's "links traversed" are recorded for such

purposes.).

As to claims 5 and 17, Silva teaches all of the limitations of claim 1 and 14 respectively, as well as the identification of location within content server site is used for caching utilities enabling to identify cached content according the identified content location (In paragraph [0036] Silva teaches web views as being cached in accordance with the links traversed as being stored.);

As to claims 7 and 19, Silva teaches all of the limitations of claim 1 and 14 respectively, as well as the identification of location within content server site is used for data retrieval services enabling to identify the content service type and retrieve the required data form the respective data source accordingly (Silva teaches accessing web services. The data associated with these web services is retrieved.);

As to claim 8, Silva teaches the method of claim 1 further comprising the step of processing the content to fit user mobile device specifications wherein the identification of location within content server site is used for selecting content processing and enhancements to be performed on the markup content before delivery to the mobile device (In paragraph [0039], Silva teaches the presence of "appropriate gateways... that perform protocol conversion to and from HTTP, as well as

necessary transcoding of content retrieved from the Web view server. Thus the WAP proxy

allows access to WAP-enabled devices…". The enabling of a WAP device to use the services is

considered a processing enhancement for the WAP user.).

     As to claim 10, Silva teaches `the method of claim 1 further`

`comprising the step of displaying the sequence of hyperlinks to`

`the user in order to enable the identification of previously`

`visited services` (Paragraph [0034] teaches the use of a GUI incorporated with Xpath

which is used to create the smart bookmarks. The GUI allows users to graphically see the

extracted content, i.e. links traversed. A bookmark allows one to identify previously visited

sites.).

     As to claim 14, Silva teaches `a system for identifying content`

`service visited by a mobile device user within a content server`

`or servers through a wireless network, said system implemented`

`within proxy server, comprising:`

     `Content analysis module for parsing the received content`

`from the content provider server and identifying embedded`

`hyperlinks and respective titles` (Paragraphs [0028] and [0029] teach a system

and method of creating smart bookmarks. The JavaScript interpreter parses HTML pages and

the content extractor records browsing actions such that a user can normally navigate his way

through the page and the user's actions, as defined as "links traversed, forms filled, along with

user inputs" are recorded. This is all done within a content server, in particular a web server.);

    `Tracking module for identifying user selections of`

`hyperlinks from previous received content and recording thereof`

(Paragraph [0029] teach the web view applet recording a users actions during browser

navigation. These actions are described as "links traversed, forms filled, along with user

inputs".);

    `matching module for identifying mobile device location`

`within content server site according to the sequence of at least`

`two successive hyperlinks titles selected by the user` (Paragraphs

[0026]-[0029] teach the web views as being executed. When a web view is executed, the user is

brought to a location as previously specified by the user by the user's recorded traversed links.

The location of the user is therefore determined according to the sequence of successive

hyperlinks which were selected by the user and recorded.);

    As to claim 15, Silva teaches `the system of claim 14 wherein the`

`matching module identifies the content service by comparing the`

`successive hyperlinks' titles to predefined sequences of`

`hyperlinks titles` (Paragraphs [0026]-[0029] teach the web views as being executed.

When a web view is executed, the user is brought to a location as previously specified by the

user by the user's recorded traversed links. The location of the user is therefore determined

according to the sequence of successive hyperlinks which were selected by the user and

recorded. In the case that web services are being provided, the location itself is a service.

Determining the location of the user determines the web service provided: a webpage.).

   As to claim 22, Silva teaches the system of claim 14 wherein the

sequence of hyperlinks' titles identifying each service is not

pre-defined, rather the said sequence is used for identifying

repeated visits to the same service regardless of varying

underlying URL representations (In paragraphs [0028]-[0029] teaches recording

the navigation history as a smart bookmark such that the user can return to a location of a web

service even if the service "does not have a well-defined URL". The user's "links traversed" are

recorded for such purposes. Bookmarks allow one to identify a service which has been previous

viewed, repeated visits.).

   As to claim 23, Silva teaches the system of claim 14 further

comprising the step of displaying the sequence of hyperlinks to

the user in order to enable the identification of previously

visited services (Paragraph [0034] teaches the use of a GUI incorporated with Xpath

which is used to create the smart bookmarks. The GUI allows users to graphically see the

extracted content, i.e. links traversed. Additionally a bookmark allows one to identify a

previously visited location.).

As to claim 26, Silva teaches an identification application implemented within a proxy server for identifying current content service visited by a user mobile device, within a content server, wherein the content service is identified according to user navigation path and wherein the user navigation path is identified by tracking user selections of hyperlink titles (Paragraphs [0028] and [0029] teach a system and method of creating smart bookmarks called web views which parse HTML pages and records browsing actions such that a user can normally navigate his way through the page and the users actions, as defined as "links traversed, forms filled, along with user inputs" are recorded. This is all done within a content server, in particular a web server. Paragraphs [0026]-[0029] teach the web views as being executed. When a web view is executed, the user is brought to a location as previously specified by the user by the user's recorded traversed links. The location of the user is therefore determined according to the sequence of successive hyperlinks which were selected by the user and recorded. In the case that web services are being provided, the location itself is a service. Determining the location of the user determines the web service provided: a webpage.).

As to claims 12 and 25, Silva teaches all of the limitations of claim 10 and 14 respectively, as well as the identification of services by the user is used for enabling the user to return to said services (The smart bookmarks assigned to services allow a user to return to the service.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.　　　Claims 4, 6, 9, 11, 16, 18, 21, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Silva as applied to claims 1, and 14 respectively above, and further in view of

Wang et al. United States Patent 7039037 (hereinafter Wang).

　　　　　As to claims 4 and 16, Silva teaches all of the limitations of claim 1 and 14 respectively,

but does not teach the identification of location within content server

site is used for access control utilities enabling access

restriction to specific content according to content location as

defined by the hyperlinks title sequence;

　　　　　However in an analogous art, Wang teaches in column 8 lines 28-30 that the service

selection management (within the mobile user environment) provides "Access control (based on

policy/user or content provider subscription arrangement/agreement)."

　　　　　It would therefore be obvious to one of ordinary skill in the art at the time of the

invention to combine Silva's method of location/service identification and Wang's method of

access control within a mobile user device environment because Wang teaches the use of access

control based upon information about the user. It would be obvious to include the more detailed

information which is provided in Silva's teaching.

       As to claims 6 and 18, Silva teaches all of the limitations of claim 1 and 14 respectively,

but does not teach the identification of location within content server

site is used for billing applications enabling to identify the

content service and applying the respective billing rules

according the identified content location;

       However in an analogous art, Wang teaches pay-per-view billing methods for use in the

mobile environment. In column 1 lines 62-67 Wang teaches "The use of the above WAP

Controller of FIG. 3 to enable new wireless data service parameters to be developed and

dynamically implemented (example Roaming support, pre-paid and pay-per-use data services)

and the enforcement of traffic behaviors on WAP traffic depending on different

service/subscriber profiles." The pay-per-view billing methods are also taught in column 3 lines

59-62 as "can purchase service as they go, on the basis of usage time or number of accesses".

       It would therefore have been obvious to one of ordinary skill in the art at the time of the

invention to combine Silva's method of location/service identification and Wang's teaching of

pay-per-view services because Wang's teaching employ the use of information about the user in

order to bill the user accordingly. It would be obvious to include the more detailed information

about the user which is provided in Silva's teaching.

12.   Claims 9, 11, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Silva as applied to claims 1, 10, and 14 respectively above, and further in view of Hunzinger et

al. United States Patent Application 20020062467 (hereinafter Hunzinger).

        As to claims 9 and 21, Silva teaches all of the limitations of claim 1 and 14 respectively,

but does not teach the identification of location within content

server site is used for sampling the usage of said location and

providing usage statistical analysis.

        However in an analogous art, Hunzinger teaches the use of a monitoring system to

monitor a user's usage and content delivery. Paragraph [0011] teaches "a content usage-based

billing ". In Paragraph [0023] Hunzinger teaches "A monitoring system 160 may be used to

keep track of the statistics of content delivery."

        It would be obvious to at the time of the invention to combine Hunzinger's billing and

usage monitoring services with Silva's method of identifying services and locations for WAP

users because it is obvious to bill a user according to the services provided.

        As to claims 11 and 24, Silva teaches all of the limitations of claim 10 and 14

respectively, but does not teach the service identification is used for

tracking users' activities for billing purposes.

However in an analogous art, Hunzinger teaches the use of a monitoring system to monitor a user's usage and content delivery. Paragraph [0011] teaches "a content usage-based billing ". It is clear that the user's activity is being tracked since the usage is being monitored, and that it is being done according to billing purposes.

It would be obvious to at the time of the invention to combine Hunzinger's billing and usage monitoring services with Silva's method of identifying services and locations for WAP users because it is obvious to bill a user according to the services provided.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Piponius et al. Patent Application Number 2002/0138601, directed at a proxy for content service;

Corrigan et al. Patent Number 6640097, directed at WAP service billing and personalization;

Chandhok Patent Application Number 2004/028558, directed at resource translation for dynamic URLs;

Kalinichenko et al. Patent Application Number 2005/0216829, directed at wireless content verification;

Bhagavath et al. Patent Number 7020082, directed at network usage monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW E. KESSLER whose telephone number is (571)270-5005. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571)272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MEK/

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Supervisory Patent Examiner, Art Unit 4121
1/18/2007